IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.219 OF 2007
IN
CRIMINAL APPEAL NO.189 OF 2007

Babasaheb Bhimrao Mhaske ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri Tilve, adv. for the Applicant.
Shri Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 2nd April, 2007.

P.C.:

1. Heard Mr.Tilve the learned counsel for the applicant, who is original accused no.1 and Mr.Shinde, the learned APP for the State.

2. The applicant was convicted for the offence punishable under Section 395 and was sentenced to undergo R.I. for 7 years and to pay fine of Rs.200/-. He is also convicted for the offence punishable under section 420 of the I.P.C. and sentenced to undergo R.I. for 5 years and to pay a fine of Rs.500/-. The applicant has preferred an appeal challenging the conviction and sentence. Appeal is admitted. By this application the applicant seeks bail pending the appeal.

3. The learned counsel for the applicant contends

that the applicant was on bail during the trial and he has not misused the same and that there is no material to show that he had committed the offence. On the other hand, the learned APP contends that the present applicant is a master mind and the main culprit in commission of this crime. He represented to P.W.1 Nisha and his family members that there was party, who had found 20,000 silver coins, which they wanted to dispose off at nominal rate of Rs.20/- per coin. By making this representation, he took P.W.1 Nisha and others to a particular spot and there the present applicant contacted remaining accused persons on phone. Then two accused persons came on the spot and they took P.W.1 Nisha and his son to a field where in all 11 persons abruptly came and committed dacoity and took away gold ornaments with diamond and red stones, silver anklets, wrist watch, mobile phone, etc., worth Rs.54,000/-. Taking into consideration the evidence on record, I find that it will not be in the interest of justice to grant bail to the present applicant, who appears to be the main culprit in the matter.

4. Application stands rejected.

(J.H.Bhatia,J.)

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Babasaheb Bhimrao Mhaske ...Appellant.

V/s.

The State of Maharashtra ...Respondent.

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Shri Y.S.Shinde, APP for the Respondent/State.

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1. Mr.Shinde, the learned APP for the State makes a statement that other accused, who are also convicted for the same offence have also preferred appeals therefore, this appeal be tagged alongwith the appeals preferred by other accused.

(J.H.BHATIA, J.)